A/Fwc

JC494 U.S. PTO 10/27/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILE WRAPPER CONTINUING APPLICATION UNDER 37 CFR 1.62
(RULE 62)

For Design or Utility Applications

$0-9/F BOX FWC
4/04/68

The Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

This is a **RULE 62 REQUEST** for filing from
prior copending parent Application No. **08/039,498**

| series code ⇧ | ⇧ serial no. |

Prior Application:
Group Art Unit: 1103
Examiner: Straub, G
Atty Dkt: 241797/33147
new M#/Client Ref.
(Our Deposit Account No. 03-3975
(Our Order No. 8257/241797
,a C# / new M#
Date: October 27, 1997

☐ divisional
☒ continuation **(Exr.** <u>NOTE</u>: any election in parent as to species/restriction requirement:
    ☒ is carried over with traverse   (☐ is not carried over)
☐ continuation-in-part <u>without</u> new Declaration (Rule 62(d))   ☐ without fee
☐ continuation-in-part (with new Declaration attached hereto)

The parent was filed on   April 28, 1993   , entitled   <u>THE PROCESS FOR PRODUCING</u>
<u>ALUMINUM OXIDE,</u>
by the following named inventor(s) who is/are ☒ the same as, ☐ less than all of (see Item 17),
☐ more than (for CIP only), those named in that parent application:

(1) Inventor	**Martin**			KADNER	
	First		Middle Initial		Family Name
Residence	**Maintal**		Federal Republic of Germany		Federal Republic of Germany
	City		State/Foreign Country		Country of Citizenship
Post Office Address	Sudring 6, 6457 Maintal, DE				
(include Zip Code)					
(2) Inventor	**Egbert**			BRANDAU	
	First		Middle Initial		Family Name
Residence	**Alzenau**		Federal Republic of Germany		Federal Republic of Germany
	City		State/Foreign Country		Country of Citizenship
Post Office Address	Taunusring 6, 875 Alzenau, DE				
(include Zip Code)					
(3) Inventor	**Hans**			HUSCHKA	
	First		Middle Initial		Family Name
Residence	**Hanau**		Federal Republic of Germany		Federal Republic of Germany
	City		State/Foreign Country		Country of Citizenship
Post Office Address	Grunaustrasse 5, 6450 Hanau 1				
(include Zip Code)					
(4) Inventor					
	First		Middle Initial		Family Name
Residence					
	City		State/Foreign Country		Country of Citizenship
Post Office Address					
(include Zip Code)					
(5) Inventor					
	First		Middle Initial		Family Name
Residence					
	City		State/Foreign Country		Country of Citizenship
Post Office Address					
(include Zip Code)					

NOTE: FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet (CDC-110A) with same information with
same information for each inventor starting with inventor No. 6 and <u>number new page 1A</u>.

CDC-110 10/97

1. **Requirement of Rule 62**: Rule 62 filings are to be used <u>only when</u> the issue fee has not been paid <u>(except as noted below)</u> in the above-identified prior application nor that application abandoned or its proceedings terminated. This Rule 62 filing will be considered by the PTO as an <u>express abandonment</u> of that prior application <u>except when</u> this Rule 62 filing is pursuant to Rule 313(b)(5), i.e., when the issue fee has been paid in the prior application and a petition filed to abandon that application to permit an IDS to be considered in this Rule 62 application. (Note: 37 CFR 1.53 (Rule 53) may be used for continuations and divisions where the prior application is not to be abandoned.)

2. ☐ The issue fee <u>has been paid</u> in the parent, but this Rule 62 Request follows a Rule 313(b)(5) petition, and per 1138 OG 40 waiver is respectively requested of that part of Rule 62 which prohibits use of the rules to file an FWC after payment of the issue fee.

3. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in ___Germany___ of:
   (country)

	Application No.	Filing Date		Application No.	Filing Date
(1)	P 40 35 089.4	05/11/90	(4)		
(2)	P 40 42 594.0	05/11/90	(5)		
(3)			(6)		

   a. ☐ _____ (No.) Certified copy/copies attached.
   b. ☐ Certified copy/copies previously filed on _____ in prior
        U.S. Application No. ____/____ , filed on _____
            series code ⇧ ⇧ serial no.
   c. ☐ Certified copy/copies filed during International stage of PCT/____/____.
   d. ☒ Priority is also claimed from PCT/ EP91/.02057 filed 10/30/91.

4. ☒ The prior application is assigned of record to Egbert Brandau by Assignment recorded 8/20/1996 Reel 8093 Frame 0886.

5. ☐ Attached is an assignment Cover Sheet.
   <u>Please return the recorded Assignment</u> to the undersigned.

6. ☒ The power of attorney in the prior application is to Marlana K. Chapin, Reg. No. 35,843, Cushman Darby & Cushman Intellectual Department of Pillsbury Madison & Sutro LLP
   (Name, Reg. No.) ⇧

7. ☐ Recognize as associate attorney _____
   (Name and Reg. No.; Address as in item 8 unless otherwise indicated) ⇧

8. **Address all future communications to Cushman Darby & Cushman,** Intellectual Property Group of Pillsbury Madison & Sutro LLP, Ninth Floor, East Tower
   1100 New York Avenue, N.W., Washington, D.C. 20005-3918

9. ☒ Amend the specification by inserting before the first line (in place of any comparable insert previously requested in any prior application) the sentence: This is a

   ☐ continuation-in-part (CIP)   ☒ continuation   ☐ division

   of application No. __08/039,498__ , filed on __April 28, 1993__ , which was
        series code ⇧ ⇧ serial no.
   abandoned upon the filing hereof. ∧ which is a 371 of PCT/EP91/02057 filed 4/28/93.

10. ☒ __1__ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 and 27
   a. ☒ filed in above prior application (and hence applicable hereto)
   b. ☐ attached.

18

11. **Requirement of Rule 62:** It is understood that <u>secrecy</u> under 35 U.S.C. 122 is hereby <u>waived</u> to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

12. Petition to extend the life of the above prior application <u>to at least the date hereof</u>

NOTE: (One box) ☐ is being concurrently filed in that prior application (Use From CDC-111).
(must be) ☐ was previously filed in that prior application (Check length of prior extension).
(X'd) ☒ is not necessary <u>for copendency</u> (Double check before X'ing this box).

13. ☐ Please enter the amendment previously filed on _____
but unentered in the above prior application.

14. ☐ Attached: _____ sheet(s) per set of drawing of Fig(s) _____ :
☐ 1 set informal; ☐ formal of size: ☐ A4 ☐ 11"

15. ☐ **PRELIMINARY AMENDMENT to be entered before fee calculation** (Do <u>not</u> make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do <u>not</u> cancel all claims.):

16. ☐ Attached is a Rule 103(a) Petition to suspend action

17. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 62 application:

1. _____   2. _____
3. _____   4. _____

18. ☐ This Rule 62 application is a <u>continuation-in-part</u> which discloses and claims additional matter and the amendments in attached Amendment are to be considered an integral part of the CIP <u>ab initio</u>.
a. ☐ New Declaration is attached.
b. ☐ This application is also filed under Rule 62(d) (without a Declaration) and hence <u>filing fee is not enclosed</u>.

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 13 AND 15 ABOVE

				Large/Small Entity		Fee Code
19. Basic Filing Fee . . . . .Design Application				$330/$165		106/26
20.		Not Design Application		$790/$395	+395	101/201
21. Total Effective Claims	5	minus 20 =	0	x $22/$11	+0	103/203
(Base this ↕ on claims <u>as amended</u> to effect CIP <u>if</u> this is a Rule 62(d) completion)						
22.. Independent Claims	1	minus 3 =	0	x $82/$41	+0	102/202
23. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line <u>blank</u> if this is a <u>reissue</u> application)				$270/$135	+0	104/204
24.				**TOTAL FILING FEE =**	**$395**	
25. If "assignment" box 5 is X'd, add recording fee.				$40	+	581
26. If "petition" box 16 above is X'd, add petition fee.				$130	+	122
27.				**FEE ATTACHED =**	**$395**	

(carry forward to line 36)

28. ☐ Preliminary Amendment attached (to be entered after assigning Appln. No.).
    (Do NOT X box 28 or 29 for CIP Amendment. See box 18)
29. ☐ The following PRELIMINARY AMENDMENT is to be entered after assigning Appln. No.:

30. ☐ ATTACHED:

ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 28/29

		Claims remaining after amendment		Highest number previously paid for			Present Extra			Additional Fee	

Large/Small Entity   File Code

32. Total Effective Claims _5_ minus ** _20_ = * _0_ x $22/$11 = $ _0_   (103/203)

33. Independent Claims _1_ minus *** _3_ = * _0_ x $82/$41 = + _0_   (102/202)

34. If amendment enters proper multiple dependent claim(s) into this application for the
    first time, add . . . .$270/$135(per application) + _0_   (104/204)

35.   ADDITIONAL FEE $ _0_

36.   plus **FEE** from item 27 on page 3 + _395_

37.   **TOTAL FEE ATTACHED** $ _395_

38. *If the entry in the first space is less than an entry in the middle space, the "Present Extra" result is "0"

39. **If the "Highest number previously paid for" (see item 21 above) is less than 20, write "20" in this space

40. If the "Highest number previously paid for" (see item 22 above) is less than 3, write "3" in this space

Cushman Darby & Cushman
Intellectual Property Group of
Pillsbury Madison & Sutro LLP
1100 New York Avenue, N.W.   By: Atty: Marlana K. Chapin   Reg. No. 35843
Ninth Floor East Tower
Washington, D.C. 20005-3918   Sig: Fax: (202) 822-0944
Tel: (202) 861-3000   Tel: (202) 861-3711
MKC/ms

NOTE: No: 1: File this Request in duplicate with 2 postcard receipts (CDC-103) & attachments
NOTE: No: 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 12 above.